

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TREVOR BAUER,

Plaintiff,

v.

CHRIS BAUD, and G/O MEDIA, INC.,

Defendants.

Case No.: 1:22-cv-1822

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff Trevor Bauer, by his undersigned attorneys, alleges as follows:

NATURE OF ACTION

1. The online publication *Deadspin*, owned by G/O Media, Inc., (“G/O Media”) capitalized on a false accusation against Trevor Bauer by a woman (“Complainant”) to continue an unrelenting attack on Mr. Bauer with the purpose of humiliating him and ruining his baseball career. *Deadspin* persisted in publishing defamatory falsehoods even after other publications, including *Deadspin*’s own source, corrected their coverage.

2. In May and June 2021, Plaintiff Trevor Bauer was falsely accused of sexual assault. Two independent arbiters—a California Superior Court judge and the Los Angeles District Attorney’s Office—reviewed the Complainant’s allegations. The California Superior Court judge who conducted a trial prompted by the Complainant’s allegations concluded that the Complainant’s petition for a restraining order against Mr. Bauer was “materially misleading.” In denying that petition, the Court found that there was no act of abuse by Mr. Bauer. The District Attorney’s Office declined to prosecute Mr. Bauer “[a]fter a thorough review of all the available evidence including the civil restraining order proceedings, witness statements and the physical evidence,” and specifically noted the Complainant’s failure to meet the “very low” standard for obtaining a restraining order.

3. Days after the Complainant filed her misleading petition for a restraining order, multiple media outlets falsely reported that Mr. Bauer had fractured the Complainant's skull, despite medical records attached to her own petition conclusively showing no skull fracture. Eventually, many of those outlets corrected their reporting.

4. The online sports-news website *Deadspin*, owned and operated by Defendant G/O Media, however, pushed forward with the false narrative of a skull fracture—even *after* other outlets reported there had been no fracture. On July 6, 2021, Defendant Chris Baud, *Deadspin*'s Managing Editor, published the article "Trevor Bauer should never pitch again" ("the Article"). The Article falsely stated that the Complainant had "her skull fractured" by Mr. Bauer—whom the Article described as a "cretin"—and that an "initial CT scan . . . showed a fracture." A copy of the Article is attached to this Complaint as Exhibit A.

5. G/O Media and Mr. Baud knew these statements were false because the primary source cited in the Article—reporting by *The Athletic*—already contained a correction that expressly stated that a CT scan showed *no fracture*. *The Athletic*'s correction was issued several days before the Article was published, but G/O Media and Mr. Baud deliberately disregarded it.

6. G/O Media and Mr. Baud also ignored other articles that reported that the Complainant did not suffer a skull fracture and that her CT scans showed no fracture.

7. Not only was the absence of a skull fracture the journalistic consensus at the time of the Article's publication, but even the Complainant's petition for a restraining order, although written to create a misleading impression of her alleged injuries, never directly claimed that she had sustained a skull fracture. The medical records attached to the petition conclusively showed no skull fracture. These attached records refer to three separate CT Scans—a CT of the Head without Contrast, a CT Angiogram Neck with Contrast, and a CT Maxillofacial Bones with

Contrast—all of which came back negative. The result of the CT Scan of the Head was attached to her petition and shows definitively that she was not diagnosed with a skull fracture. That was enough to force other publications to correct their articles even before *Deadspin* published the Article.

8. The Article was the culmination of an unrelenting campaign by *Deadspin* to defame and impugn Mr. Bauer. For years *Deadspin* repeatedly and maliciously targeted Mr. Bauer, accusing him of harassment and misogynistic behavior, and called him an “online bully,” “asshole,” a “racist, sexist, jackass,” and a “douche canoe.” Consistent with that continued harassment, G/O Media and Mr. Baud deliberately avoided the truth and fabricated the narrative that Mr. Bauer fractured the Complainant’s skull. To serve their narrative of attacking Mr. Bauer, Mr. Baud and G/O Media deliberately ignored the many sources revealing the truth—including corrections to the very *The Athletic* article on which G/O Media and Mr. Baud relied. They falsely stated that Mr. Bauer fractured the Complainant’s skull, knowing it was false, all with the purpose and intent to harm Mr. Bauer.

9. Mr. Bauer now brings this action seeking redress for the defamatory and malicious actions by G/O Media and Mr. Baud.

PARTIES

10. Plaintiff Trevor Bauer is a citizen of the State of Texas and a Major League Baseball player.

11. Defendant G/O Media is a for-profit Delaware corporation with its principal place of business in New York, New York. G/O Media owns and operates media websites, including the sports-news website *Deadspin*.

12. Defendant Chris Baud is a citizen of the State of New York. Mr. Baud is the Managing Editor of *Deadspin* and wrote the Article on behalf of *Deadspin* and G/O Media, and in furtherance of their interests.

JURISDICTION AND VENUE

13. The Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332. Plaintiff is a citizen of Texas and Defendants are both citizens of the State of New York. Therefore, there is complete diversity of citizenship between Plaintiff and Defendants. Additionally, the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

14. This Court has personal jurisdiction over all Defendants. Mr. Baud is a resident of Brooklyn, New York and, in any event, wrote the Article that was published by a New York-based sports-news website. G/O Media's principal place of business and headquarters is in New York, New York. Its sports-news website, *Deadspin*, states it maintains offices at 1290 Avenue of the Americas, New York, New York.

15. Venue is proper in this District under 28 U.S.C. § 1391(b) because G/O Media resides in the Southern District of New York and Mr. Baud resides in the State of New York, a substantial part of the events giving rise to the claims in this Complaint occurred in this District, and because all Defendants are subject to this Court's personal jurisdiction with respect to this action.

FACTUAL ALLEGATIONS

I. Deadspin's Malicious Campaign Against Mr. Bauer

16. *Deadspin's* malicious and reckless disregard of the truth in the Article reflects a years-long effort to harass Mr. Bauer, impugn his reputation, and spread falsehoods about him.

17. For example, on April 25, 2018, *Deadspin* wrote an article titled "ESPN Fawns Over The Intelligence Of Trevor Bauer, Who Is A Big Dumb Asshole."¹ In this article, *Deadspin* took issue with positive news coverage about Mr. Bauer because, according to *Deadspin*, Mr. Bauer is "an asshole" and "nothing more than a[] stupid person's idea of a smart person."

18. In 2019, *Deadspin* turned its focus to Mr. Bauer's interactions on Twitter. On January 7, 2019, a *Deadspin* article titled "Trevor Bauer Has Been Harassing A Woman For More Than A Day Now,"² falsely characterized a series of Twitter interactions between Mr. Bauer and another individual as "an ongoing harassment campaign against a young woman." The article described Mr. Bauer as a "big dumb asshole." The purported "harassment" was Mr. Bauer responding to tweets from another individual.

19. Two days later, *Deadspin* followed up with another article on the same Twitter interactions, titled "Dumb Little Pissbaby Trevor Bauer Got In Trouble And It's Going To Make Him So Mad He Can't Tweet About This Blog."³ The article was based entirely on Mr. Bauer's tweets explaining that his prior Twitter exchanges (the focus of *Deadspin's* January 7, 2019 article) "may have had a negative impact" but "that was not my intention." He further elaborated

¹ Tom Ley, *ESPN Fawns Over The Intelligence of Trevor Bauer, Who Is A Big Dumb Asshole*, DEADSPIN (Apr. 25, 2018, 5:58 PM), <https://deadspin.com/espn-fawns-over-the-intelligence-of-trevor-bauer-who-i-1825545707>.

² Laura Wagner, *Trevor Bauer Has Been Harassing A Woman For More Than A Day Now*, DEADSPIN (Jan. 7, 2019, 11:11 AM), <https://deadspin.com/trevor-bauer-has-been-harassing-a-woman-for-more-than-a-1831545503>.

³ Laura Wagner, *Dumb Little Pissbaby Trevor Bauer Got In Trouble And It's Going To Make Him So Mad He Can't Tweet About This Blog*, DEADSPIN (Jan. 9, 2019, 4:41 PM), <https://deadspin.com/dumb-little-pissbaby-trevor-bauer-got-in-trouble-and-it-1831620536>.

that “I do not encourage any of my fans, followers, or friends to attack, insult or harass anyone on any social media platform, or in real life.”

20. On February 19, 2019, *Deadspin* published yet another article⁴ on the same Twitter interactions, this one titled “Trevor Bauer Says He Harassed A Woman Online To Show It’s Okay To ‘Stand Up To A Bully.’” The article called Mr. Bauer a “painfully unamusing asshole.”

21. Following G/O Media’s acquisition of *Deadspin* in or around April 2019, the targeting of Mr. Bauer continued.

22. On June 7, 2019, an article about Mr. Bauer’s pitching performance closed with “Way to suck, Trevor!”⁵

23. In an August 1, 2019 article,⁶ *Deadspin* again brought up the purported Twitter harassment from January 2019. The article, titled “Trevor Bauer Enjoyed Feeling Like A Human For A Change,” was supposed to be about Mr. Bauer getting traded from his team, the Cleveland Indians.

24. On May 10, 2020, *Deadspin* published an article for the sole purpose of disseminating Mr. Bauer’s personal cell phone number, which had been mistakenly revealed on television. The article urged readers to call Mr. Bauer, and labeled him “the biggest pain in the ass in baseball.”⁷

⁴ Tom Ley, *Trevor Bauer Says He Harassed A Woman Online To Show It’s Okay To ‘Stand Up To A Bully,’* DEADSPIN (Feb. 19, 2019, 3:21 PM), <https://deadspin.com/trevor-bauer-says-he-harassed-a-woman-online-to-show-it-1832729834>.

⁵ Samer Kalaf, *Max Kepler Kept Calling Trevor Bauer’s Bluff*, DEADSPIN (June 7, 2019, 1:14 PM), <https://deadspin.com/max-kepler-kept-calling-trevor-bauers-bluff-1835328552>.

⁶ Chris Thompson, *Trevor Bauer Enjoyed Feeling Like A Human For A Change*, DEADSPIN (Aug. 1, 2019, 8:50 PM), <https://deadspin.com/trevor-bauer-enjoyed-feeling-like-a-human-for-a-change-1836897361>.

⁷ Dustin Foote, *Why Don’t You Give Trevor Bauer A Call And Explain A Few Things to Him Like Climate Change, Here’s His Number*, DEADSPIN (May 10, 2020, 2:14 PM), <https://deadspin.com/why-don-t-you-give-trevor-bauer-a-call-and-explain-a-fe-1843376617>.

25. A June 23, 2020 article, titled “The Winner in Trevor Bauer-Aubrey Huff Twitter Fight? A Meteor, Hopefully,” called Mr. Bauer a “racist, sexist jackass.”⁸

26. On October 13, 2020, *Deadspin* published an article, “Insufferable Trevor Bauer is the worst kind of Twitter troll,”⁹ calling Mr. Bauer a “very big jerk,” and “an obvious liar.” The basis for this article was Mr. Bauer quote-tweeting a Twitter account that had tagged him saying the user did not want him in Los Angeles playing for the Dodgers. Mr. Bauer tweeted in response: “Hey @Dodgers fans is Megan your official spokesperson? Should I cancel my trip to LA or. . . .?? Please advise.” According to *Deadspin*, this tweet—which said nothing insulting, threatening, or demeaning about the Twitter user—was “textbook targeting for harassment” and “typically misogynist of him.” The article ended by asserting, without a source, that “there are a lot of people who would rather he never wear the uniform of their favorite team.”

27. The author of that story then made himself the story. The next day he wrote an entire article on *Deadspin* about his own interactions with Mr. Bauer on Twitter. This follow-up article was contrary to G/O Media’s “Editorial Policy,” which said, in a section titled “Reporting on ourselves”: “As a general practice, we shall not do it. There are occasions when it is necessary, notably when the company is involved in newsworthy events such as lawsuits or actions and statements by others that directly affect us.”¹⁰ The article, “My Twitter fight with Trevor Bauer,”¹¹ was not a “newsworthy” event.

28. The entire premise of the article was Mr. Bauer’s tweets in response to *Deadspin*’s October 13 article about him. In those tweets, Mr. Bauer explained that the article’s

⁸ Sam Fels, *The Winner in Trevor Bauer-Aubrey Huff Twitter Fight? A Meteor, Hopefully*, DEADSPIN (June 23, 2020, 2:31 PM), <https://deadspin.com/the-winner-in-trevor-bauer-aubrey-huff-twitter-fight-a-1844136579>.

⁹ Jesse Spector, *Insufferable Trevor Bauer is the worst kind of Twitter troll*, DEADSPIN (Oct. 13, 2020, 4:52 PM), <https://deadspin.com/insufferable-trevor-bauer-is-the-worst-kind-of-twitter-1845362335>.

¹⁰ G/O MEDIA EDITORIAL POLICY, <https://g-omedia.com/editorial-policy/> (last visited Feb. 22, 2022).

¹¹ Jesse Spector, *My Twitter fight with Trevor Bauer*, DEADSPIN (Oct. 14, 2020, 9:51 AM), <https://deadspin.com/my-twitter-fight-with-trevor-bauer-1845368579>.

“point was to harm my reputation,” and that his “behavior on twitter consists of interacting with fans in the way they first chose to interact with me, sharing my passion for the game and growing the game, providing resources to young baseball players who may otherwise not have them.”

29. In response to Mr. Bauer’s tweets, G/O Media and *Deadspin* attempted to create evidence of Mr. Bauer being an “online bully” “routinely targeting women.” The evidence marshalled in the October 14 article was Mr. Bauer’s response to a tweet from a female reporter in which he asked for “evidence that supports the[] claims” the reporter made about the work ethic of another pitcher. The article did not explain how this single example was “targeting” or evidence of Mr. Bauer “routinely” doing so.

30. Despite G/O Media and *Deadspin*’s efforts to derail Mr. Bauer’s career at every turn, in November 2020, Mr. Bauer won the National League Cy Young award, given to the National League’s best pitcher. Following that award, Mr. Bauer was signed to a record-breaking contract with the Los Angeles Dodgers in 2021. These accolades unleashed a torrent of malicious articles by G/O Media and *Deadspin*.

31. In reporting on Mr. Bauer winning the National League Cy Young award, G/O Media and *Deadspin* could not let that achievement go without calling Mr. Bauer “a misogynist, birther dickhead” who “might be the game’s leading raging asshole and always has been.”¹²

32. During Mr. Bauer’s free agency in 2021, G/O Media and *Deadspin* published an article titled in part “Trevor Bauer’s inability to not be a jerk could cost him,”¹³ seeking to dissuade teams from signing him. It asserted that Mr. “Bauer’s character should be called into

¹² Sam Fels, *Trevor Bauer wins NL Cy Young, and everyone’s in a hurry to sanction foreign substances*, DEADSPIN (Nov. 12, 2020, 8:48 AM), <https://deadspin.com/trevor-bauer-wins-nl-cy-young-and-everyone-s-in-a-hurr-1845652804>.

¹³ Jesse Spector, *Trevor Bauer’s inability to not be a jerk could cost him; Laine traded for Dubois*, DEADSPIN (Jan. 23, 2021, 9:56 AM), <https://deadspin.com/trevor-bauer-s-inability-to-not-be-a-jerk-could-cost-hi-1846117274>.

question” because “he is” a “bully.” The article again referenced “the people Bauer has targeted for online harassment,” without providing any sourcing or explanation for that false assertion.

33. G/O Media and *Deadspin* were incapable of publishing even basic news stories without attacking Mr. Bauer. Following Mr. Bauer’s signing with the Los Angeles Dodgers, a February 5, 2021 *Deadspin* article reported on that signing by calling him “human paraquat” and a “jerkwad.”¹⁴

34. A week later, on February 12, 2021, G/O Media and *Deadspin* published an article titled “At Trevor Bauer’s Dodger intro, media hold his misogynist feet to . . . a cozy, warm, crackling fire.”¹⁵ Like previous *Deadspin* articles, this one was published in order to rebut positive news coverage of Mr. Bauer’s introduction to the Los Angeles Dodgers. Despite Mr. Bauer addressing his social media use in his introductory press conference, G/O Media and *Deadspin* were not satisfied. The article falsely asserted that Mr. “Bauer has been a misogynist, transphobic, harassing pig in the past” and that there were “women Bauer has harassed.” But the only support for these outlandish and incendiary characterizations were the Twitter exchanges from January 2019, which *Deadspin* had repeatedly reported on for two years. The article also claimed that there were teammates “whose lives he made hell,” but cited no quotes or sourcing from any of Mr. Bauer’s teammates.

35. G/O Media and *Deadspin* continued to scour Mr. Bauer’s Twitter account for any excuse to malign his character. A February 20, 2021 article titled “It took all of a week for Trevor Bauer to get stupid on social media again as Noah Syndergaard lays the hammer down”

¹⁴ Jesse Spector, *MLB’s biggest question answered as Twins add promising pitcher; also, Dodgers sign jerkwad Bauer*, DEADSPIN (Feb. 5, 2021, 3:46 PM), <https://deadspin.com/mlbs-biggest-question-answered-as-twins-sign-promising-1846208698>.

¹⁵ Sam Fels, *At Trevor Bauer’s Dodger intro, media hold his misogynist feet to . . . a cozy, warm, crackling fire*, DEADSPIN (Feb. 12, 2021, 9:19 AM), <https://deadspin.com/at-trevor-bauer-s-dodger-intro-media-hold-his-misogyni-1846257439>.

described Mr. Bauer as “a huge jerk” who is “a lot dumber than he thinks he is.”¹⁶ The article was about Mr. Bauer’s Twitter interactions with another baseball player concerning Mr. Bauer’s free agency decision.

36. The next day, G/O Media and *Deadspin* published another article about Mr. Bauer’s Twitter account, titled “Breaking News: Trevor Bauer is still an ass.”¹⁷ This article referred to Mr. Bauer as a “fuckstick.” The entire premise of this article was Mr. Bauer tweeting “How bout we take it a step further and say disrespecting a fellow human being should never be tolerated? Or is that too much?” in response to another player’s tweet that “Disrespecting minorities and women should never be tolerated.”

37. G/O Media and *Deadspin* rarely did any actual reporting on Mr. Bauer (unless their own writers were themselves the stories). Instead, they searched for any hint of coverage of Mr. Bauer that they could use to attack him. A March 7, 2021, *Deadspin* article, titled “Everybody loves to crawl up Trevor Bauer’s ass with him,” had no reporting, instead commenting on other outlets’ coverage of Mr. Bauer pitching with one eye closed. G/O Media and *Deadspin* did not waste the opportunity to repeat the false accusations that Mr. Bauer “harass[ed] women online,” again relying only on the January 2019 Twitter exchanges.¹⁸

38. On March 24, 2021, G/O Media and *Deadspin* published yet another article about Mr. Bauer, titled “Scott Servais channels humanity, tells idiotic Trevor Bauer where he can stick it.”¹⁹ The article recognized *Deadspin*’s obsession with Mr. Bauer, stating “We’ve said plenty

¹⁶ Jesse Spector, *It took all of a week for Trevor Bauer to get stupid on social media again as Noah Syndergaard lays the hammer down*, DEADSPIN (Feb. 20, 2021, 8:56 AM), <https://deadspin.com/it-took-all-of-a-week-for-trevor-bauer-to-get-stupid-on-1846314975>.

¹⁷ Sam Fels, *Breaking News: Trevor Bauer is still an ass*, DEADSPIN (Feb. 21, 2021, 4:05 PM), <https://deadspin.com/breaking-news-trevor-bauer-is-still-an-ass-1846320972>.

¹⁸ Sam Fels, *Everybody loves to crawl up Trevor Bauer’s ass with him*, DEADSPIN (Mar. 7, 2021, 12:40 PM), <https://deadspin.com/everybody-loves-to-crawl-up-trevor-bauer-s-ass-with-him-1846425763>.

¹⁹ Jesse Spector, *Scott Servais channels humanity, tells idiotic Trevor Bauer where he can stick it*, DEADSPIN (Mar. 24, 2021, 12:20 PM), <https://deadspin.com/scott-servais-channels-humanity-tells-idiotic-trevor-b-1846544264>.

here about Trevor Bauer, mostly about him being a colossal jerk, so ‘Trevor Bauer is a colossal jerk’ isn’t news, especially around these parts.” Nonetheless, the article asserted—based on comments from a single baseball manager that barely mentioned Mr. Bauer—that “people in baseball . . . also think he’s a colossal jerk. Because he is.” G/O Media and *Deadspin* did not interview or cite as a source anyone in baseball calling Mr. Bauer a “colossal jerk.”

II. Multiple Outlets Falsely Report, And Later Correct, the Complainant’s Accusations Against Mr. Bauer

39. On June 28, 2021, the Complainant filed a petition for a restraining order against Mr. Bauer based on allegations of sexual assault that a judge would later determine were unfounded. The petition contained a declaration from the Complainant, in which she alleged that she was given a CT scan because of “signs of a basilar skull fracture,” even though the Complainant and her lawyers knew definitively at the time they wrote the petition that the Complainant never had a skull fracture. In fact, medical records the Complainant attached to her petition—and which are publicly available on the Los Angeles Superior Court docket—conclusively stated that the CT scans showed that the Complainant did not suffer a skull fracture.

40. One of the first stories on the petition was by *The Athletic* on June 30, 2021.

41. *The Athletic* deliberately gave the false impression that the Complainant suffered a skull fracture. Its article stated that “there were signs of basilar skull fracture,” while ignoring the CT scan records—attached to the Complainant’s publicly available petition—showing no fracture.

42. On July 2, 2021, G/O Media and *Deadspin* published an article titled “A team and league full of cowards,” which also falsely stated that Mr. Bauer “allegedly cracked a woman’s

skull.”²⁰ That article also emphasized G/O Media and *Deadspin*’s ill will toward Mr. Bauer, stating that “it’s Trevor *Fucking* Bauer. If he’s got a friend in the world no one’s ever met him or her.” That article remains available online and was never corrected.

43. On July 3, 2021—three days before the Article was published in *Deadspin*—*The Athletic* was forced to issue a correction, which stated “Update: After publication, Trevor Bauer’s representatives emphasized that medical records showed that while the woman was initially diagnosed with signs of a basilar skull fracture, a subsequent CT scan found no acute fracture.” The update failed to include that *The Athletic* had access to these exact records when it wrote its initial article but chose to ignore them.

44. Multiple other outlets that had falsely reported or suggested a skull fracture also issued corrections. By July 2, *Sports Illustrated* corrected its reporting and issued a tweet explaining that the CT scan found no fracture;²¹ ESPN corrected its reporting;²² and Fox News described the CT scan’s findings of no fracture as “contrary to what was first reported.”²³

III. G/O Media and Mr. Baud Publish The False and Defamatory Article

45. Even after these corrections were issued, on July 6, 2021, G/O Media, through Mr. Baud and *Deadspin*, published the Article, under the title “Trevor Bauer should never pitch again: MLB needs to throw the book at him over sex assault allegations.” G/O Media posted

²⁰ Sam Fels, *A team and league full of cowards*, DEADSPIN (July 2, 2021, 10:26 AM), <https://deadspin.com/a-team-and-league-full-of-cowards-1847219147>.

²¹ See Stephanie Apstein, *Trevor Bauer Must Not Start Sunday*, <https://www.si.com/mlb/2021/07/01/trevor-bauer-must-not-start-after-assault-allegations>, SPORTS ILLUSTRATED (July 1, 2021); Stephanie Apstein (@stephapstein), TWITTER (July 2, 2021, 2:24 PM), <https://twitter.com/stephapstein/status/1411027916893429762?s=20>.

²² Alden Gonzalez, *What we know and don’t know as MLB puts Los Angeles Dodgers’ Trevor Bauer on leave*, ESPN (July 2, 2021), https://www.espn.com/mlb/story/_/id/31751155/what-know-know-mlb-puts-los-angeles-dodgers-trevor-bauer-leave.

²³ Daniel Canova and Ryan Gaydos, *Dodgers’ Trevor Bauer sex assault allegations detailed in graphic report; pitcher denies claims*, FOX NEWS (July 2, 2021, 6:53 AM), <https://www.foxnews.com/sports/dodgers-trevor-bauer-sex-assault-allegations>.

links to the Article on Twitter (where *Deadspin* has over 800,000 followers) and Facebook.²⁴ The Article labeled Mr. Bauer a “cretin.”

46. The Article stated that the Complainant had “her skull fractured” by Mr. Bauer and that Mr. Bauer’s “legal team’s defense” was that “[i]t was only the initial CT scan that showed a fracture.”

47. These statements were false: there was no skull fracture and there was no “initial CT scan that showed a fracture.”

48. The Article identified *The Athletic*’s article as its source. The Article stated that “Bauer, accused of sexual assault and battery, described in excruciating detail by *The Athletic*, is just the latest star athlete accused of violence against women.” The Article block quoted two paragraphs of *The Athletic*’s article, and also quoted a statement from the Complainant referenced in *The Athletic*.

49. The Article did not rely on the Complainant’s declaration or medical records attached to her declaration.

50. The Article also falsely stated that there was “nothing in Mr. Bauer’s reported actions or his lawyer John [sic] Fetterolf’s statement that indicate an attempt to deny that he was responsible.”

51. That false assertion ignored comments by Mr. Bauer’s counsel, Jon R. Fetterolf, that the Complainant’s “basis for filing a protection order is nonexistent, fraudulent, and deliberately omits key facts, information, and her own relevant communications.” The Article

²⁴ Deadspin (@Deadspin), TWITTER (July 6, 2021, 12:06 PM), *Trevor Bauer should never pitch again: MLB needs to throw the book at him over sex assault allegations*, <https://twitter.com/Deadspin/status/1412442742261567491?s=20>; Deadspin, FACEBOOK (July 6, 2021), *Trevor Bauer should never pitch again: MLB needs to throw the book at him over sex assault allegations*, <https://www.facebook.com/deadspin/posts/10165362918115072>.

linked to a TMZ article²⁵ that included those comments, which make clear that Mr. Bauer did “deny that he was responsible.”

52. In combination with the false statements about the skull fracture and the assertion that Mr. Bauer did not deny responsibility, the Article conveyed the false impression that Mr. Bauer through his lawyer had admitted to fracturing the Complainant’s skull.

IV. Mr. Baud and G/O Media Acted With Actual Malice Because They Knew The Article Was False

53. Mr. Baud and G/O Media knew that the Article’s statement that the Complainant had “her skull fractured” was false. *The Athletic* story, on which the Article was primarily based, expressly stated in its correction that the CT scan showed no fracture. The publicly available medical records said the same thing.

54. Mr. Baud and G/O Media knew the statement that Mr. Bauer’s “defense” was that “[i]t was only the initial CT scan that showed a fracture” was false. Mr. Bauer’s “defense” never made such a statement, and *The Athletic*’s correction made no mention of an “initial CT scan that showed a fracture.”

55. The correction in *The Athletic* stated only that “Trevor Bauer’s representatives emphasized that medical records showed that while the woman was initially diagnosed with signs of a basilar skull fracture, a subsequent CT scan found no acute fracture.”

56. Mr. Baud and G/O Media knew the statement that Mr. Bauer did not “attempt to deny that he was responsible” was false. The TMZ article linked in the Article included a statement from Mr. Bauer’s counsel denying responsibility.

²⁵ WOMAN ACCUSES MLB STAR OF ASSAULT . . . Bauer Denies Allegation, TMZ (June 29, 2021, 6:33 PM PT), <https://www.tMZ.com/2021/06/29/trevor-bauer-accused-of-assault-woman-files-restraining-order-pitcher-denies-allegations/>.

57. Mr. Baud's and G/O Media's actions following the publication of the Article confirmed they acted with actual malice.

58. The same day the Article was published, Mr. Bauer's representative emailed Mr. Baud three times to correct the Article. The emails were titled, "Urgent Corrections: Trevor Bauer Story (Deadspin // Chris Baud)." Mr. Bauer's representative provided a link to the medical records showing no fracture. The representative also explained that "Sports Illustrated, Bleacher Report, Yahoo! Sports, FOX, Inside Hook, and many other media outlets" had made corrections and that "The Athletic has also corrected their story to reflect that the woman did not have a skull fracture."

59. Mr. Baud ignored those three emails, and neither Mr. Baud, nor anyone at G/O Media, corrected the Article in response to those emails.

60. On July 8, 2021, Mr. Bauer's attorneys sent a demand letter to Mr. Baud again highlighting the defamatory nature of the Article.

61. Mr. Baud did not respond to that letter, but G/O Media's General Counsel did. That response confirmed that G/O Media knew about the correction by *The Athletic* when it published the Article. The General Counsel wrote to Mr. Bauer's counsel that "[t]he reference to 'subsequent CT scan' suggested that the evidence of a fracture was based on a prior scan." The quoted phrase "subsequent CT scan" is from *The Athletic*'s correction.

62. Accordingly, Mr. Baud and G/O Media had reviewed *The Athletic*'s correction, ignored the correction's clear statement that a CT scan showed no fracture, fabricated the existence of an "initial CT scan" showing a skull fracture, and falsely stated that the Complainant had her "skull fractured."

63. The General Counsel also professed that “[n]o one at Deadspin has any record of receiving [the Complainant’s] medical records from your client’s representative.” Mr. Bauer’s representative has the record of the email, with a link to the Complainant’s medical records, sent to Mr. Baud, as well as two-follow up emails to Mr. Baud.

64. Following the response of G/O Media’s General Counsel, G/O Media and Mr. Baud made wholly inadequate changes to the Article. The modified Article used the phrase “sustain head trauma” rather than “have . . . her skull fractured” in one sentence in the Article, which now read: “We don’t need an investigation and trial to know that she didn’t consent to have her face beaten and to sustain head trauma.” The modified Article continued: “His legal team’s response regarding the head trauma? While she was initially diagnosed with signs of a basilar skull fracture, a CT scan found no acute fracture,” which previously read: “His legal team’s defense? It was only the initial CT scan that showed a fracture.” The modified Article also included an “Update” that said “After publication, Trevor Bauer’s representatives emphasized that medical records showed that while the woman was initially diagnosed with signs of a basilar skull fracture, a CT scan found no acute fracture. It was unclear from previous reports what the basis was for the initial indication of a fracture.” The modified Article still used the term “fracture” or “skull fracture” five times. The modified Article also cited no source for its statement that the Complainant “sustain[ed] head trauma.”

65. A copy of the modified Article is attached to the Complaint as Exhibit B.

66. Actual malice in the publication of the Article is also shown by Mr. Baud’s and G/O Media’s complete disregard for G/O Media’s own “Editorial Policy.”²⁶

²⁶ G/O MEDIA EDITORIAL POLICY, <https://g-omedia.com/editorial-policy/> (last visited Feb. 22, 2022).

67. That Policy asserts that “[t]he pursuit of truth requires that we are accurate in all we write and say, from the slightest fact to the broadest context. Writers are responsible for the accuracy of their published output regardless of format and distribution platform, but everyone who touches the copy during editing shares in that responsibility.”

68. In addition, the Policy states that “[i]nformation *must be* verified before publication, using original sources where possible.” (emphasis added).

69. In publishing the Article, Mr. Baud and G/O Media did not verify the false factual assertions that Mr. Bauer had fractured the Complainant’s skull. Mr. Baud and G/O Media ignored both *The Athletic*’s correction and made no attempt to review the Complainant’s publicly available medical records, even after Mr. Bauer’s representatives provided those records to Mr. Baud.

70. Indeed, the Policy emphasized that “[p]ost-publication, we must correct our errors, large or small, *as soon as we become aware of them.*” (emphasis added).

71. Yet Mr. Baud did not correct the errors “as soon as” he became aware of them, instead ignoring repeated emails from Mr. Bauer’s representatives.

72. Only upon the threat of legal action did G/O Media issue a meager and inadequate modification of the Article.

V. After Publishing The Defamatory Article, G/O Media and *Deadspin* Continue Their Campaign Of Harassing and Targeting Mr. Bauer

73. Following the publication of the Article, G/O Media and *Deadspin* continued their attacks against Mr. Bauer by, among other actions, making false or misleading statements regarding the hearing on the Complainant's restraining order and the court's ruling rejecting her allegations.

74. An article²⁷ on July 28, 2021 reporting on the sexual assault allegations stated that Mr. "Bauer is that rare specimen who was widely loathed by nearly everyone both inside and outside baseball even before it came to light that he might be an unholy monster." The article stated that "it wasn't hard to know that he was a world-class douche canoe, or that he had already exhibited severe problems dealing with women." The sole source cited for the purported "severe" problems "dealing with women" was *Deadspin*'s January 2019 articles about his Twitter interactions with a single Twitter user.

75. G/O Media and *Deadspin* continued to defame Mr. Bauer even after a judge found, after a five-day hearing, that the Complainant's declaration seeking a restraining order was "materially misleading" and that Mr. Bauer did not sexually assault the Complainant.

76. The judge concluded that "Respondent [Mr. Bauer] did not exceed the limits that Petitioner [the Complainant] set" and that the Complainant "was not ambiguous about wanting rough sex in the parties' first encounter and wanting rougher sex in the second encounter."

77. Despite the judge's decision, G/O Media and *Deadspin* published an article on the day of the decision titled "We still see you, Trevor Bauer."²⁸

²⁷ Sam Fels, *Andrew Friedman has always been good at his job – and is a scumbag*, DEADSPIN (July 28, 2021, 10:41 AM), <https://deadspin.com/andrew-friedman-has-always-been-good-at-his-job-and-i-1847377396>.

²⁸ Julie DiCaro, *We still see you, Trevor Bauer*, DEADSPIN (Aug. 19, 2021, 3:11 PM), <https://deadspin.com/we-still-see-you-trevor-bauer-1847519780>.

78. The article stated that “we know that Trevor Bauer is a man who likes to choke women, punch women in the vagina, and have anal sex with unconscious women. He should never pitch in MLB again.” G/O Media and *Deadspin* ignored the Court’s finding that Mr. Bauer had committed no act of abuse, including no sexual assault, and that his sexual acts with the Complainant were consensual.

79. On January 1, 2022, G/O Media and *Deadspin* again revealed their ill will toward Mr. Bauer, listing him as the number 3 “Idiot of the Year” for 2021.²⁹ This article declared that Mr. Bauer is “dangerous” and “a monster.” It asserted that “for him to allegedly violate a woman (or two) for his own pleasure really isn’t that huge of a shock, even if the details are horrifying.” The basis of the article’s conclusion that Mr. Bauer was “dangerous” and “a monster” were allegations that the Court had rejected in the restraining order proceeding. But the article made no mention that the Court had found that Mr. Bauer committed no sexual assault and that his conduct was consensual.

VI. The Los Angeles District Attorney Declines To Charge Mr. Bauer with any Crime

80. On February 8, 2022, the Los Angeles District Attorney stated publicly that they were declining to charge Mr. Bauer with any crime.

81. The District Attorney stated that “[a]fter a thorough review of all the available evidence including the civil restraining order proceedings, witness statements and the physical evidence — the People are unable to prove the relevant charges beyond a reasonable doubt.”

82. District Attorney George Gascon later reiterated that his office “looked at this case very very closely” and “investigated it thoroughly.” Mr. Gascon also explained that the

²⁹ Deadspin Staff, *IDIOT OF THE YEAR: The worst of 2021*, DEADSPIN (Jan. 1, 2022, 9:00 AM), <https://deadspin.com/idiot-of-the-year-the-worst-of-2021-1848282018/amp>.

standard of proof in the civil restraining order proceeding was “very low,” and even under that very low standard, the allegations could not be proven.

83. Following the District Attorney’s decision, *Deadspin* published the article “What it means when prosecutors decline to charge sexual assault.”³⁰ As with the many prior articles concerning Mr. Bauer, this one again misrepresented the facts. The premise of the article was based on the fictional show, *Law & Order: Special Victims Unit*, which the author believed “does a good job . . . of showing . . . why certain cases don’t get prosecuted, even if it’s fairly clear that a crime has been committed.”

84. With that skewed understanding of the legal system, the article purported to then provide information “about what the decision not to prosecute is and is not.”

85. Without quoting or even acknowledging the statements from the District Attorney and the thorough investigation by his Office—or the Complainant’s failure to prove an act of abuse under the “very low” standard at the restraining order hearing—the article declared that the decision not to prosecute “is an acknowledgement by the prosecutor that the so-called ‘he said-she said’ crimes are more difficult to prosecute than other crimes, largely because our society has been conditioned to believe that a woman’s word counts for less than a man’s.” The article provided no support attributing that motivation to the District Attorney’s decision concerning Mr. Bauer.

86. The article also asserted that the decision not to prosecute is “not a declaration that the victim is lying, It is not a finding of innocence by a judge or jury.” But the article completely ignored the fact that a court had already determined that the Complainant was

³⁰ Julie DiCaro, *What it means when prosecutors decline to charge sexual assault*, DEADSPIN (Feb. 9, 2022, 2:04 PM), <https://deadspin.com/what-it-means-when-prosecutors-decline-to-charge-sexual-1848508490>.

“materially misleading” and found that Mr. Bauer did not commit any act of abuse alleged by the Complainant.

87. In closing, the article asserted “[m]aybe one day, our society will have evolved enough that these cynical calculations aren’t necessary, that every victim gets his or her day in court, and that we view allegations of sexual assault as just as likely to be true as false.” Again, the article avoided the fact that the Complainant had her day in court and the court found her to be misleading and not credible. The article did not recognize that the District Attorney, in deciding to not bring charges, relied on the Complainant’s failure to satisfy a very low standard of proof in the restraining order hearing. The article also failed to acknowledge the District Attorney’s own words that the investigation was thorough. The article disregarded these facts surrounding the District Attorney’s declination in order to continue *Deadspin*’s narrative that Mr. Bauer was guilty, no matter how many times he is vindicated by the truth.

COUNT ONE – DEFAMATION PER SE

88. Mr. Bauer re-alleges and incorporates paragraphs 1 through 87.

89. The Article written by Mr. Baud and published, or caused to be published, by G/O Media on July 6, 2021 is false, defamatory and published with actual malice.

90. The defamatory statements in the Article were of and concerning Mr. Bauer, and are reasonably understood to be about Mr. Bauer.

91. The statement that the Complainant had “her skull fractured” by Mr. Bauer is a false statement of fact.

92. The statement that Mr. Bauer’s “defense” was that “[i]t was only the initial CT scan that showed a fracture” is a false statement of fact.

93. The statement that Mr. Bauer did not “attempt to deny that he was responsible” is a false statement of fact.

94. These statements were published to many third parties through *Deadspin*’s website, and G/O Media and *Deadspin* promoted the Article on Facebook and Twitter. Moreover, some of these third parties redistributed and further disseminated this defamatory article.

95. The statements about the nonexistent “fracture” were false because the medical records attached to the Complainant’s publicly available filing showed that the Complainant had not suffered a fractured skull, nor had the Complainant alleged that she in fact suffered such a fracture.

96. In addition, the journalistic consensus at the time Mr. Baud wrote, and G/O Media published, the Article was that there was no skull fracture.

97. The statement that Mr. Bauer did not “attempt to deny that he was responsible” was false because Mr. Bauer’s counsel had denied Mr. Bauer’s responsibility and never agreed that Mr. Bauer had fractured the Complainant’s skull (because it never happened).

98. The false statements in the Article are not privileged.

99. The source for the Article was not any judicial proceeding or court document, but rather an article in *The Athletic*, which—at the time of the Article’s publication—had corrected its own false reporting to explain that a CT scan showed no skull fracture.

100. The Article did not quote, cite, or rely on any part of the judicial proceeding, including the Complainant’s petition and declaration.

101. Even if the Article had been based on the Complainant’s declaration, it was not a substantially accurate report of that declaration.

102. That declaration stated only that there were “signs of a basilar skull fracture,” and medical records, including CT scan results, attached to the declaration showed no skull fracture. Yet the Article asserted that an “initial CT scan” showed a fracture, which is alleged nowhere in the declaration, and is contradicted by the medical records attached to the declaration.

103. Because the Article suggested much more serious conduct than the conduct alleged in the declaration, the false statements in the Article are not privileged, even if they had been based on that declaration.

104. Mr. Baud and G/O Media knew the statements about the skull fracture were false, or exhibited reckless disregard for their falsity, because *The Athletic* had already corrected its reporting by the time the Article was published, and Mr. Baud and G/O Media knew, or recklessly disregarded, that correction.

105. Mr. Baud refused to correct the Article as soon as possible, even after being provided with a link to the medical records showing no fracture, instead ignoring urgent emails from Mr. Bauer’s representatives.

106. Mr. Baud and G/O Media exhibited actual malice, as shown by *Deadspin*’s continuing, years-long campaign to discredit, insult, and defame Mr. Bauer, and through Mr. Baud’s and G/O Media’s deliberate avoidance of the corrections by *The Athletic* and other news organizations, as well as the Complainant’s publicly available medical records.

107. *Deadspin* and G/O Media’s campaign to discredit Mr. Bauer is why Mr. Baud, the Managing Editor of *Deadspin*, and G/O Media ignored the actual facts found in the corrections by *The Athletic* and other news organizations, as well as in the Complainant’s publicly available medical records. To serve their purpose of attacking and harming Mr. Bauer, Mr. Baud and G/O Media fabricated the existence of a skull fracture.

108. For the same reasons, Mr. Baud and G/O Media ignored the denials from Mr. Bauer's counsel. They knew that the statement that Mr. Bauer did not "attempt to deny that he was responsible" was false, or they exhibited reckless disregard for its falsity. The TMZ article linked in the Article contained the denial of responsibility that Mr. Baud and G/O Media disregarded.

109. Because Mr. Baud's and G/O Media's false statements charged Mr. Bauer with a serious crime and maligned him in his profession, those statements constitute defamation per se and Mr. Bauer's injury is presumed.

110. The false statements in the Article have also severely damaged Mr. Bauer's reputation, caused him anguish, humiliation, and embarrassment, and resulted in financial loss.

111. Mr. Bauer is entitled to punitive damages because Mr. Baud and G/O Media published the Article with hatred, ill will, and spite, with the intent to harm Mr. Bauer or in blatant disregard of the substantial likelihood of causing him harm. The Article was the culmination of a campaign to maliciously target and harass Mr. Bauer.

112. As a direct and proximate result of the Defendants' defamatory statements, Mr. Bauer is entitled to compensatory and punitive damages in an amount to be proven at trial in excess of \$75,000.00.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Trevor Bauer demands judgment against Defendants Chris Baud and G/O Media, as follows:

- i. An award of compensatory, special and punitive damages in appropriate amounts to be established at trial;
- ii. Plaintiff's reasonable costs and expenses, including attorneys' fees; and

- iii. Such other and further relief as the Court deems just and appropriate to protect Plaintiff's rights and interests.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable.

Dated: 03/03/2022

Respectfully submitted,

/s/ Blair G. Brown

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